

**UNITED STATES PATENT AND TRADEMARK OFFICE**

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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**MAILED****JUN 12 2007**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Applicants: Guterman et al.  
Application No.: 10/809,572  
Filed: 03/24/04  
For: Novel Multi-State Memory

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,571.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Jameson Lee  
Jameson Lee  
Administrative Patent Judge

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Paper 1

Filed: June 12, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**ALLAN PARKER**  
Junior Party  
(Patent 6,538,923 B1),

v.

**DANIEL C. GUTERMAN**  
and **YUPIN KAWING FONG**  
Senior Party  
(Application 10/809,572).

Patent Interference No. 105,571 (JL)  
(Technology Center 2800)

**MAILED**

**JUN 12 2007**

**PAT. & T.M. OFFICE  
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AND INTERFERENCES**

**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

**Part B. Judge managing the interference**

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Administrative Patent Judge Jameson Lee has been designated to manage the interference. Bd. R. 104(a).

**Part C. Standing order**

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

**Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **1:00 p.m. on 7 August 2007** (the Board will initiate the call).

No later than **four business days** prior to the conference call, each party shall file and serve (SO && 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO && 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. Identification and order of the parties**

Junior Party

Named inventors:	Allan Parker, Austin, TX
Involved Patent:	6,538,923, granted March 25, 2003, based on application 09/794,482, filed February 26, 2001
Title:	Staircase program verify for multi-level cell Flash memory designs
Assignee:	Advanced Micro Devices, Inc.

Senior Party

Named Inventors: Daniel C. Guterman, Fremont, CA  
Yupin Kawing Fong, Fremont, CA

Involved Application: 10/809,572, filed March 24, 2004

Title: Novel Multi-State Memory

Assignee: none

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO & 154.2.1. The senior party is responsible for initiating settlement discussions. SO & 126.1.

### Part F. Count and claims of the parties

Count 1

Guterman's 10/809,572 claim 42

or

Parker's 6,538,923 claim 1

The claims of the parties are:

Parker: 1 and 2

Guterman: 42 and 43

The claims of the parties which correspond to Count 1 are:

Parker: 1 and 2

Guterman: 42 and 43

1           The claims of the parties which do not correspond to Count 1, and therefore are not  
2 involved in the interference, are:

3           Parker:           None

4           Guterman:       None

5  
6           The parties are accorded the following benefit for Count 1:

7           Parker:           none

8           Guterman:       10/013,592, filed November 13, 2001, now  
9                            U.S. Patent 6,856,546, granted February 15, 2005  
10  
11                           09/688,061, filed October 13, 2000, now  
12                           U.S. Patent 6,317,364, granted November 13, 2001  
13  
14                           08/910,947, filed August 7, 1997, now  
15                           U.S. Patent 6,222,762, granted April 24, 2001  
16

1       **Part G. Heading to be used on papers**

2       The following heading must be used on all papers filed in this interference, see SO  
3 & 106.1.1:

4  
5                   UNITED STATES PATENT AND TRADEMARK OFFICE  
6  
7                   \_\_\_\_\_  
8                   BEFORE THE BOARD OF PATENT APPEALS  
9                   AND INTERFERENCES  
10                  \_\_\_\_\_

**ALLAN PARKER**  
                  Junior Party  
                  (Patent 6,538,923 B1),

                  v.

**DANIEL C. GUTERMAN**  
                  and YUPIN KAWING FONG  
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                  \_\_\_\_\_  
                  Patent Interference No. 105,571 (JL)  
                  (Technology Center 2800)

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13  
14       **Part H. Order form for requesting file copies**

15       When requesting copies of files, use of SO Form 4 will greatly expedite processing of the  
16 request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle  
17 around the patents and applications for which a copy of a file wrapper is requested.

                  /Jameson Lee/  
                  Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 6,538,923  
Copy of claims of 10/809,572

Revised 3 January 2006

cc (via overnight delivery):

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